

**Notice of Allowability**

Application No.

09/846,846

Examiner

Jason M. Perilla

Applicant(s)

PANASIK ET AL.

Art Unit

2638

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed May 6, 2005.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☒ The drawings filed on 01 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20050706</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|   | 9. <input type="checkbox"/> Other _____  |

### EXAMINER'S AMENDMENT

1. Claims 1-31 are pending in the instant application.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ronald O. Neerings on July 6, 2005.

The application has been amended as follows:

Regarding claim 1, in line 16, "the Nyquist" is replaced by --a Nyquist--.

Regarding claim 8, in line 2, "said DSP" is replaced by --a DSP--, and, in line 3, "a DSP" is replaced by --said DSP--.

Regarding claim 10, in line 2, "an RF" is replaced by --said RF-- and "a power amplifier" is replaced by --said power amplifier--.

Regarding claim 15, in line 19, "the Nyquist" is replaced by --a Nyquist--.

Regarding claim 29, in line 12, "said stored outputs" is replaced by --said stored compressed outputs--, and, in line 15, "the Nyquist" is replaced by --a Nyquist--.

Regarding claim 30, in line 19, "the Nyquist" is replaced by --a Nyquist--, in line 22, "all output" is replaced by --all outputs--, and in lines 22-23, "said analog output" is replaced by --an analog output--.

Art Unit: 2638

Regarding claim 31, in line 22, "the Nyquist" is replaced by --a Nyquist--, in line 25, "all output" is replaced by --all outputs--, and in lines 25-26, "said analog output" is replaced by --an analog output--.

***Allowable Subject Matter***

3. Claims 1-31 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Claims 1-31 are allowed over the prior art of record because the prior art of record does not disclose or obviate the claimed features of the independent claims. Specifically, the prior art of record does not disclose a storage means having stored outputs of a delta-sigma digital to analog converter corresponding to all possible values of an input to the converter and a plurality of digital to analog converters coupled to said storage means. Further, the rejections under 35 U.S.C. § 101 set forth in the office action dated August 23, 2004 have been withdrawn in view of the terminal disclaimer dated November 5, 2004.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


***Conclusion***

Art Unit: 2638


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Perilla whose telephone number is (571) 272-3055. The examiner can normally be reached on M-F 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vanderpuye Kenneth can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jason M. Perilla  
July 7, 2005

jmp

  
**CHIEH M. FAN**  
**PRIMARY EXAMINER**